

REMARKS

Claims 21-40 were originally filed in the present application.

Claims 21-40 are pending in the present application.

Claims 21-40 were rejected in the October 18, 2006 Office Action.

No claims have been allowed.

Claims 21, 24, 28, 30, 34 and 35 are amended herein

Claims 21-40 remain in the present application.

Reconsideration of the claims is respectfully requested.

In Section 1 of the October 18, 2006 Office Action, the Examiner rejected Claims 21, 22 and 28 under 35 U.S.C. §102(b) as being anticipated by U. S. Patent No. 6,167,270 to *Rezaiifar, et al.*, (the “Rezaiifar reference”).

Claim 21 (and its dependent, Claim 22) currently requires that the handoff required message contain “supplemental channel configuration information about said supplemental channel being used by said mobile station.” The Rezaiifar reference fails to teach or disclose this limitation. In fact, at most, the Rezaiifar reference discloses that the “supplemental channel frame” can be transmitted using a plurality of data rates and the data rate used on the supplemental channel is transmitted to the receiving remote station 6 by signaling (e.g., forward link schedule) on the control channel.” Rezaiifar reference, column 8, lines 55-61.

Accordingly, the Rezaiifar reference fails to anticipate the claims of the present application. Similar arguments hold true for independent Claim 28 (and its dependents). Applicant therefore respectfully requests favorable reconsideration and allowance of Claims 21, 22 and 28.

In Section 2 of the October 18, 2006 Office Action, the Examiner rejected Claims 23 and 29 under 35 U.S.C. §103(a) as being unpatentable over the Rezaiifar reference as applied to Claim 22, and in further in view of U. S. Publication No. US 2002/0141370 to *Arbol, et al.* (the “Arbol reference”).

Claims 23 and 29 depend from allowable Claims 21 and 28, respectively, and are therefore also allowable for the reasons stated above. For example, Claim 21 currently requires that the handoff required message contain “supplemental channel configuration information about said supplemental channel being used by said mobile station.” The Rezaiifar reference, either alone or taken in combination with the Arbol reference, fails to teach or disclose this limitation. Moreover, there is no suggestion or motivation within the Rezaiifar reference or the Arbol reference to prompt one of ordinary skill to selectively combine discrete elements from and then seek out still other elements, as required by Claims 23 and 29.

Accordingly, Claims 23 and 29 are allowable. Applicant therefore respectfully requests favorable reconsideration and allowance of Claims 23 and 29.

In Section 3 of the October 18, 2006 Office Action, the Examiner rejected Claims 24, 25 and 30-33 under 35 U.S.C. §103(a) as being unpatentable over the Rezaiifar reference as applied to

Claims 22 and 28 above respectively, and in further view of U. S. Publication No. US 2002/0147020 to *Iguchi, et al.* (the “Iguchi reference”).

Claims 24, 25 and 30-33 depend from either allowable Claim 21 or Claim 28, and are therefore also allowable for the reasons stated above. For example, Claim 21 currently requires that the handoff required message contain “supplemental channel configuration information about said supplemental channel being used by said mobile station.” The Rezaiifar reference, either alone or taken in combination with the Iguchi reference, fails to teach or disclose this limitation. Moreover, there is no suggestion or motivation within the Rezaiifar reference or the Iguchi reference to prompt one of ordinary skill to selectively combine discrete elements from and then seek out still other elements, as required by Claims 24, 25 and 30-33.

Accordingly, Claims 24, 25 and 30-33 are allowable. Applicant therefore respectfully requests favorable reconsideration and allowance of Claims 24, 25 and 30-33.

In Section 4 of the October 18, 2006 Office Action, the Examiner rejected Claim 26 under 35 U.S.C. §103(a) as being unpatentable over the Rezaiifar reference in view of the Iguchi reference as applied to claim 24 above, and in further view of U.S. Patent No. 6,947,398 to *Ahmed, et al.* (the “Ahmed reference”).

Claim 26 depends from allowable Claim 21 and is therefore also allowable for the reasons stated above. For example, Claim 21 currently requires, for example, that the handoff required message contain “supplemental channel configuration information about said supplemental channel being used by said mobile station.” The Rezaiifar reference, either alone or taken in combination

with the Iguchi reference and the Ahmed reference, fails to teach or disclose this limitation. Moreover, there is no suggestion or motivation within the Rezaiifar reference, the Iguchi reference, or the Ahmed reference to prompt one of ordinary skill to selectively combine discrete elements from and then seek out still other elements, as required by Claim 26.

Accordingly, Claim 26 is allowable. Applicant therefore respectfully requests favorable reconsideration and allowance of Claim 26.

In Section 5 of the October 18, 2006 Office Action, the Examiner rejected Claim 27 under 35 U.S.C. §103(a) as being unpatentable over the Rezaiifar reference in view of the Iguchi reference and the Ahmed reference as applied to Claim 26 above, and in further in view of U. S. patent No. 5,329,635 to *Wadin, et al.* (the “Wadin reference”).

Claim 27 ultimately depends from allowable Claim 21 and is therefore also allowable for the reasons stated above. For example, Claim 21 currently requires, for example, that the handoff required message contain “supplemental channel configuration information about said supplemental channel being used by said mobile station.” The Rezaiifar reference, either alone or taken in combination with the Iguchi reference, the Ahmed reference and the Wadin reference, fails to teach or disclose this limitation. Moreover, there is no suggestion or motivation within the Rezaiifar reference, the Iguchi reference, the Ahmed reference or the Wadin reference to prompt one of ordinary skill to selectively combine discrete elements from and then seek out still other elements, as required by Claim 27.

Accordingly, Claim 27 is allowable. Applicant therefore respectfully requests favorable reconsideration and allowance of Claim 27.

In Section 6 of the October 18, 2006 Office Action, the Examiner rejected Claims 34-38 under 35 U.S.C. §103(a) as being unpatentable over the Rezaiifar reference in view of the Arbol reference, the Iguchi reference, the Ahmed reference and the Wadin reference.

Claim 34 (and its dependents, Claim 35-38) currently requires that the handoff required message contain “supplemental channel configuration information about said supplemental channel being used by said mobile station.” The Rezaiifar reference fails to teach or disclose this limitation. In fact, at most, the Rezaiifar reference discloses that the “supplemental channel frame” can be transmitted using a plurality of data rates and the data rate used on the supplemental channel is transmitted to the receiving remote station 6 by signaling (e.g., forward link schedule) on the control channel.” Rezaiifar reference, column 8, lines 55-61. Similarly, the Arbol reference, the Iguchi reference, the Ahmed reference and the Wadin reference also fail to teach or disclose this limitation. Moreover, there is no suggestion or motivation within the Rezaiifar reference, the Arbol reference, the Iguchi reference, the Ahmed reference and the Wadin reference to prompt one of ordinary skill to selectively combine discrete elements from and then seek out still other elements, as required by Claim 34.

Claim 34 is thus allowable. Claims 35-38 ultimately depend from allowable Claim 34 and are therefore also allowable for the reasons stated above. Applicant therefore respectfully requests favorable reconsideration and allowance of Claims 34-38.

In Section 7 of the October 18, 2006 Office Action, the Examiner rejected Claims 39 and 40 under 35 U.S.C. §103(a) as being unpatentable over the Rezaiifar reference in view of the Arbol reference, the Iguchi reference, the Ahmed reference and the Wadin reference as applied to Claim 14 above, and further in view of the IS-95 CDMA and cdma2000 text (the “CDMA reference”).

Claims 39 and 40, depend from allowable Claim 34, and thus also require that the handoff required message contain “supplemental channel configuration information about said supplemental channel being used by said mobile station.” The Rezaiifar reference fails to teach or disclose this limitation. In fact, at most, the Rezaiifar reference discloses that the “supplemental channel frame” can be transmitted using a plurality of data rates and the data rate used on the supplemental channel is transmitted to the receiving remote station 6 by signaling (e.g., forward link schedule) on the control channel.” Rezaiifar reference, column 8, lines 55-61. Similarly, the Arbol reference, the Iguchi reference, the Ahmed reference and the Wadin reference also fail to teach or disclose this limitation. Moreover, there is no suggestion or motivation within the Rezaiifar reference, the Arbol reference, the Iguchi reference, the Ahmed reference and the Wadin reference to prompt one of ordinary skill to selectively combine discrete elements from and then seek out still other elements, as required by Claim 34.

Claim 34 is thus allowable. Claims 35-38 ultimately depend from allowable Claim 34 and are therefore also allowable for the reasons stated above. Applicant therefore respectfully requests favorable reconsideration and allowance of Claims 34-38.

SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of the pending claims and that this application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@munckbutrus.com*.

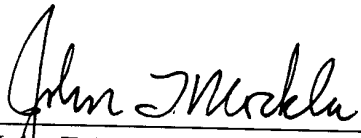
The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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